

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12-22-14

UNITED STATES OF AMERICA,

- v. -

ANTHONY CHIASSON,

Defendant.

STIPULATION AND ORDER

S2 12-CR-00121 (RJS)

WHEREAS, on or about August 28, 2012, ANTHONY CHIASSON, among others, was charged in a twelve-count Superseding Indictment, S2 12-CR-00121 (RJS) (Dkt. No.112) (the "Indictment"), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); and securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17 Code of Federal Regulations, Sections 240-10b-5 and 240.10b5-2, and Title 18, United States Code, Section 2 (Counts Six through Ten);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Twelve of the Indictment seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, the forfeiture of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the securities fraud offenses alleged in Counts One through Twelve of the Indictment;

WHEREAS, on December 17, 2012, a jury in the Southern District of New York found Mr. Chiasson guilty of Count One and Counts Six through Ten of the Indictment;

United States v. Newman, et al., 12-cr-121 (RJS)
Stipulation and Order

WHEREAS, on May 13, 2013, Mr. Chiasson was sentenced and ordered to forfeit an amount up to and including \$2,000,000 in United States Currency, representing the largest amount of proceeds obtained as a result of the offenses charged in Counts One and Six through Ten of the Indictment, which final forfeiture determination was reserved for thirty days;

WHEREAS, Mr. Chiasson was further sentenced to a criminal fine of \$5,000,000 in United States Currency;

WHEREAS, on May 15, 2013, Mr. Chiasson filed a notice of criminal appeal in the United States Court of Appeals for the Second Circuit appealing his conviction and sentence;

WHEREAS, on May 29, 2013, in lieu of a stay of payment of the forfeiture and criminal fine pending Mr. Chiasson's appeal of his conviction, this Court so ordered a stipulation between the United States of America and Mr. Chiasson whereby Mr. Chiasson would deposit \$7,000,000 in United States Currency with his attorneys, Morvillo LLP, to be placed in Morvillo LLP's attorney escrow account ("the Escrow Amount");

WHEREAS, on June 28, 2013, Mr. Chiasson was ordered to forfeit the specific amount of \$1,382,217, which the Court determined represented the proceeds obtained as a result of the offenses charged in Counts One and Six through Ten of the Indictment, and which amount had already been deposited as a portion of the Escrow Amount;

WHEREAS, on December 10, 2014, the United States Court of Appeals for the Second Circuit entered judgment vacating Mr. Chiasson's conviction (the "Judgment");

WHEREAS, in light of the Judgment, the United States Attorney's Office for the Southern District of New York has agreed to a return of the Escrow Amount, and any interest accrued thereon (together the "Subject Amount"), to Mr. Chiasson;

United States v. Newman, et al., 12-cr-121 (RJS)
Stipulation and Order

THEREFORE, IT IS HEREBY STIPULATED, AGREED TO, AND ORDERED that:

1. Morvillo LLP may transfer the Subject Amount to Mr. Chiasson forthwith;
2. Neither party waives any claims or defenses it may have with respect to the Subject Amount in the event that Mr. Chiasson's conviction is reinstated;
3. This agreement represents the complete agreement of the parties and cannot be amended without written consent of all parties;
4. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Faxed, emailed and scanned copied shall be treated as originals.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

By: 

SHARON COHEN LEVIN
Chief, Money Laundering and
Asset Forfeiture Unit
One St. Andrews Plaza
New York, New York 10007
(212) 637-1060


December 18, 2014
DATE

ANTHONY CHIASSON

By: 

GREGORY MORVILLO
Attorney for Defendant
Morvillo LLP
200 Liberty Street, 27th Floor
New York, New York 10281
(212) 796-6340

December 18, 2014
DATE

SO ORDERED
Date: 

RICHARD J. SULLIVAN
U.S.D.J.

12/22/14